

### **REMARKS**

Claims 1, 2, and 7-48 are pending and stand rejected in the above-referenced office action. In accordance with the foregoing, claim 1 is amended. Claims 20 – 48 are cancelled. Claims 49 – 58 are added. Claims 2 and 7 – 19 remain as previously presented.

To the extent the rejections are applicable to the new and amended claims, applicant respectfully traverses the rejections and requests a withdrawal of all rejections as set forth below.

Claims 1, 2, 7-10, and 16-18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Carson (U.S. 5,931,862) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Carson (U.S. 5,931,862) in view of Houser (U.S. 6,361,559). The amendments to the claims are believed to obviate this rejection. The amendments to the claims make it clear that two separate leads are employed to deliver a single pacing pulse, rather than two electrodes on the same lead as in Carson. Carson, if duplicated by means of a Y-connector or a splitter would result in electrodes on the two leads being connected in parallel, not in the delivery of pacing pulses only between a stimulating electrode on one lead and a porous-coated electrode on the other. The problem of anodal stimulation at a site removed from a stimulation electrode in such a split version of Carson would not arise, as each pacing electrode would have available a corresponding closely spaced indifferent electrode. Therefore, it cannot be obvious to modify Carson to meet the present claims in order to solve his problem. Houser does not remedy this deficiency in teaching with regard to the claims as now amended. Claims 1, 2, 7-10, and 16-18 as amended are thus believed allowable over Carson alone or in view of Houser.

Claims 11-15 stand variously rejected under 35 U.S.C. 103(a) as being unpatentable over Carson or Carson in view of Houser in further view of Hull (U.S. 5,269,810) and/or Soukup (U.S. 5,466,252). It is clear that Hull and Soukup fail to compensate for the previously-discussed deficiencies of Carson and Houser regarding the features set forth in amended claim 1, from which claims 11-15 depend. Claims 11 – 15 as dependent from amended claim 1 are thus believed allowable over Carson, Houser and Soukup.

Claims 1, 2, 7-10, 11 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Krall (WO 02/089909 A1) in view of Houser (U.S. 6,361,559). Krall discloses a thin porous ePTFE covering for an implantable electrode, but shares the same deficiency of teaching with regard to amended claim 1 as Carson. These claims are thus also believed allowable over the Krall-Houser combination.

Claims 1, 2 and 16-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Belden (U.S. 6,847,845) in view of Houser (U.S. 6,361,559). However, Belden shares the same deficiency of teaching with regard to amended claim 1 as Carson. These claims are thus also believed allowable over the Belden - Houser combination.

New claims 49 – 58 are believed allowable for the same reasons as claims 1, 2 and 7 - 19 discussed above.

Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

As the claims have been substantially modified, the terminal disclaimer previously presented is hereby withdrawn.

A supplemental IDS is also presented herewith, listing other references disclosing electrodes with porous coatings.

The remarks presented herein are fully responsive to the Office Action and are sufficient to overcome the rejections presented in the Office Action. However, there may be other arguments to be made as to why the pending claims are patentable. Applicant does not concede any such arguments by having not presented them herein. Finally, please grant any extension of time, if necessary for entry of this paper, and charge any fee due for such extension or any other fee required in connection with this paper to Deposit Account No. 13-2546.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

March 23, 2009  
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Date

/Reed A. Duthler/  
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Reed A. Duthler  
Reg. No. 30, 626  
(763) 526-1564  
Customer No. 27581